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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,629	08/29/2001	Toshiya Takahashi	2001-1215A	5593
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WENDEROTH, LIND & PONACK LLP. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			EXAMINER	
			TOPYAL, GELEK W	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/940,629	Applicant(s) TAKAHASHI, TOSHIYA
	Examiner GELEK TOPGYAL	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 23 January 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 29-40 is/are pending in the application.
- 4a) Of the above claim(s) 9-22, 24, 25, 27 and 28 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 29-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 8/29/2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/CC)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/23/2008 have been fully considered but they are not persuasive.
2. In re pages 8-9, the applicants present a first argument that the newly entered limitation of "an information button operable to input auxiliary information according to the user operation", as required by claim 29 is not met by Anderson. Furthermore, the applicants argue with emphasis that Anderson does not disclose or suggest combining, at a time when the auxiliary information is input and an image is captured by the imaging unit, (i) the auxiliary information received (from the information button) at the time with (ii) first digital data corresponding to the image captured at the time, as recited by claim 29.
3. In response, the examiner respectfully disagrees. Figures 1 and 2 of Anderson teaches a set of buttons and dials (404, 410, 411, 412, 414, 418, 420, 426, etc) to input the information according to the user operation. These buttons, especially buttons 410, 411, 420 and 426 can be manipulated by the user to input auxiliary information included in the capture information tags 710 (see col. 5, lines 56-62). The applicants have ignored these citations as recited in page 3 of the last Office Action. The capture information tags 710 may indicate focus setting, aperture setting, and other relevant information. The different types of information are altered/changed with the users' manipulation of the camera through the buttons (as discussed above) during a picture taking process (e.g. focus, aperture (affected by zoom), etc). Henceforth, when the

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image is captured by the user pressing the shutter button 418, the image data is recorded with the capture tag information 710 that has been generated at the moment the picture is taken. Therefore, the limitations of the claim are clearly met by Anderson.

Furthermore, it should be noted that the limitation of "at the time" of input of auxiliary information and the image being capture and photoelectrically converted can be interpreted to not be at the very exact moment in time that the combining of the two types of information occurs. In any particular system, there would exist a period of time, due to processing speeds of a microchip or due to read/write speeds of storage devices, between the time of capturing an image and converting it to the actual moment of combining the image data and the auxiliary information. Therefore, the arguments presented in reference to "the time" of 1) input of auxiliary information and the capturing/converting of the image data may not necessarily be the same as the "the time" of 2) combining the information of 1) to form a second digital data.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 29-30, 32-33, 35-37 and 39-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (US 6,538,698).

Regarding claim 29, Anderson teaches an interface device (Fig. 1, camera 110) operable to receive an externally generated image input (Figure 1 and col. 3, lines 24-47 teaches of CPU 344 which can include "one or more DSPs or ASICs" for "controlling the operations of the camera 110". Figure 1, Col. 3, lines 14-17 and col. 3, lines 41-46 teaches of an imaging device 114 and I/O ports that are connected to the CPU 344. Furthermore, col. 5, line 41 through col. 6, line 16 teaches wherein tags 825 are either generated and/or calculated by the system itself or input by the user which is later sent to the CPU 344 for further storage);

an imaging unit operable to capture and photoelectrically convert an image into an image signal when said interface device receives the externally generated image input (col. 3, lines 14-17 teaches of an imaging device 114, such as a CCD);

an information button operable to input auxiliary information according to the user operation (Figures 1 and 2 of Anderson teaches a set of buttons and dials (404, 410, 411, 412, 414, 418, 420, 426, etc) to input the information according to the user operation. These buttons, especially buttons 410, 411, 420 and 426 can be manipulated by the user to input auxiliary information included in the capture information tags 710 (see col. 5, lines 56-62). The capture information tags 710 may indicate focus setting, aperture setting, and other relevant information. The different types of information are altered/changed with the users' manipulation of the camera through the buttons (as

discussed above) during a picture taking process (e.g. focus, aperture (affected by zoom), etc);

a coding device operable to generate first digital data by compressing the image signal created by said imaging unit when said interface device receives the externally generated image input (col. 3, lines 32-24 and col. 4, lines 14-27 teaches of the CPU 344 for compressing images received from the imaging device 114); and

a digital data generation device (CPU 344) operable to combine, at a time when the auxiliary information is input and when the image is captured and photoelectrically converted into the image signal by said imaging unit (Fig. 5-6 and col. 5, line 41 through col. 6, lines 16 teaches of several types of additional information stored at the time an image is captured by the imaging unit, including: 1) capture information tags 710, 2) Product tags 720 and 3) Automatic Category Tags 735. The CPU 344 combines the above tags together with the image data 810), the auxiliary information received at the time with the first digital data corresponding to the image captured and photoelectrically converted by said imaging unit at the time, to produce second digital data comprising the combined auxiliary information and first digital data, and operable to output the second digital data to a recording device or a transmission device (Fig. 5-6 and col. 5, line 41 through col. 6, lines 16 teaches that the image data 810 and the additional information (as discussed above) are combined into an image file 835 to be stored onto medium 354 (Figure 1)).

Regarding claim 30, Anderson teaches the claimed wherein said interface device includes an identifier input part operable to identify the first digital data, and

wherein the auxiliary information identifies the first digital data according to said identifier input part (col. 5, lines 29-40 teaches wherein the information stored in tags 825 maybe used for sorting and identifying a particular image via menu-driven GUI (col. 4, lines 28-39)).

Regarding claim 32, Anderson teaches the claimed wherein said digital data generation device is operable to insert the auxiliary information into a header portion of the first digital data, and operable to generate the second digital data comprised of the first digital data and the auxiliary information inserted into the header portion of the first digital data (As discussed in claim 29 above, Anderson teaches in col. 5, line 41 through col. 6, lines 16 that the images tags 825 are stored along with the image data 810 in image file 835).

Regarding claim 33, Anderson teaches the claimed wherein said imaging device is integrated into a camera (As discussed above in claim 29, the imaging device 114 is included in the digital camera 110).

Claims 35 and 36 are rejected for the same reasons as discussed above in device claim 29.

Claims 37, 39 and 40 are rejected as Anderson teaches in col. 6, lines 6-16 of automatic category tags 735 that determines whether a person or groups of persons, and the different types of scenery is part of the image.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson (US 6,538,698) in view of Miyasaka et al. (US 5,493,647).

Regarding claim 31, Anderson teaches the limitations as discussed in claim 29 above, furthermore teaches a microphone operable to receive audio (col. 4, lines 36-37), however fails to particularly teach wherein the auxiliary information indicates a level of audio received by said microphone.

In an analogous art, Miyasaka et al. teaches in col. 12, lines 6-26 wherein attributes of the level data of a quantized audio signal is stored in an auxiliary information storage area.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate the ability to recorded the attribute of the level data of a quantized audio signal into the system of Anderson so that the system can use the information to increase memory space by writing over non significant audio parts stored in higher level audio parts.

8. **Claim 34** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson (US 6,538,698).

Regarding claim 34, Anderson teaches the claimed as discussed in claim 29 above, however fails to particularly teach wherein the imaging device is integrated into a mobile phone.

It is well known and old in the art to incorporate imaging devices, such as CCD cameras into mobile phones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate imaging device, such as CCD cameras into mobile phones to increase portability.

9. **Claims 37-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US 6,538,698) in view of Fan et al. (US 6,757,081).

Regarding claims 37-40, the system of Anderson teaches the claimed as discussed above in claims 29, 35 and 36, however, fails to particularly teach wherein if a degree of importance is identified as higher than normal, then an image representing the second digital data is assigned a specific color, and if the degree of importance is identified as lower than normal, then the image representing the second digital data is assigned another specific color.

In an analogous art, Fan et al. teaches the claimed wherein if a degree of importance is identified as higher than normal, then an image (col. 10, lines 40-62, pixels) representing the second digital data is assigned a specific color, and if the degree of importance (col. 10, lines 40-62, level of gradient values) is identified as lower than normal, then the image representing the second digital data is assigned another specific color (col. 10, lines 40-62 teaches wherein pixel data is classified to a color type when the gradient values fall above or below a threshold value).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to assign an image representing the

second digital data as taught by the system of Fan et al. into the system of Anderson so that the image representing the second data can be correctly identified for display.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GELEK TOPGYAL whose telephone number is (571)272-8891. The examiner can normally be reached on 8:30am -5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gelek Topgyal/
Examiner, Art Unit 2621

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621